

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SERONO, INC. and INDUSTRIA
FARMACEUTICA SERONO SpA,

Plaintiffs,

v.

FERRING PHARMACEUTICALS, INC.,

Defendant.

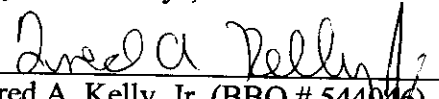
CIVIL ACTION NO. 04-10305 MLW

STIPULATION OF DISMISSAL

The Plaintiffs, Serono, Inc. and Industria Farmaceutica Serono, SpA, (collectively referred to as "Serono") and Defendant, Ferring Pharmaceuticals, Inc. ("Ferring") hereby stipulate and agree that:


- 1 ***ALL OF FERRING'S CLAIMS (WHETHER DESIGNATED AS CLAIMS, COUNTERCLAIMS, OR AFFIRMATIVE DEFENSES) SHALL BE DISMISSED WITH PREJUDICE, WITHOUT COSTS, AND WITH ALL APPEALS WAIVED;***
- 2 ***SERONO'S CLAIMS FOR INFRINGEMENT OF THE PATENTS-IN-SUIT (UNITED STATES LETTERS PATENT NO. 5,767,067 AND NO. 4,725,579) BY FERRING (WHETHER DESIGNATED AS CLAIMS, COUNTERCLAIMS, OR AFFIRMATIVE DEFENSES) SHALL BE DISMISSED WITH PREJUDICE, WITHOUT COSTS, AND WITH ALL APPEALS WAIVED; AND***
- 3 ***SERONO'S CLAIMS SEEKING A DECLARATION OR JUDGMENT THAT THE PATENTS-IN-SUIT (UNITED STATES LETTERS PATENT NO. 5,767,067 AND NO. 4,725,579) ARE VALID AND/OR ENFORCEABLE (WHETHER DESIGNATED AS CLAIMS, COUNTERCLAIMS, OR AFFIRMATIVE DEFENSES) SHALL BE DISMISSED WITHOUT PREJUDICE AND WITHOUT COSTS.***

Serono, Inc. and
Industria Farmaceutica Serono SpA
By its Attorneys,


Fred A. Kelly, Jr. (BBO # 544046)
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Dated: Jan 6, 2005

Ferring Pharmaceuticals, Inc.
By its attorneys,


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Palmer & Dodge, LLP
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Dated: Jan 7, 2005